

1 RONALD RUS, #67369
rrus@rusmiliband.com
2 LEO J. PRESIADO, #166721
lpresiado@rusmiliband.com
3 RUS, MILIBAND & SMITH
A Professional Corporation
4 Seventh Floor
2211 Michelson Drive
5 Irvine, California 92612
Telephone: (949) 752-7100
6 Facsimile: (949) 252-1514

7 Attorneys for Defendants
8 THUNDERWOOD HOLDINGS, INC.,
BRIAN DUNNING, and BRIANDUNNING.COM
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 EBAY INC.,

14 Plaintiff,

15 vs.

16 DIGITAL POINT SOLUTIONS, INC.;
17 SHAWN HOGAN; KESSLER's FLYING
CIRCUS; THUNDERWOOD HOLDINGS,
18 INC.; TODD DUNNING; DUNNING
ENTERPRISES, INC.; BRIAN DUNNING;
19 BRIANDUNNING.COM; and DOES 1-20,

20 Defendants.
21

CASE NO. CV 08-4052 JF (PVT)

**STIPULATION TO EXTEND TIME
FOR DEFENDANTS TO RESPOND TO
SECOND AMENDED COMPLAINT;
ORDER THEREON**

Honorable Jeremy Fogel, Judge presiding

22 TO THE HONORABLE JEREMY FOGEL, JUDGE OF THE UNITED STATES DISTRICT
23 COURT:

24 The parties to this action, by and through their attorneys of record, hereby agree
25 and stipulate based on the following recitals:

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27 ///

28 ///

RECITALS

A. Plaintiff EBAY INC. commenced this action on August 25, 2008.

B. Plaintiff filed its First Amended Complaint on October 7, 2008 ("FAC").

C. All Defendants to the action filed Motions to Dismiss the FAC.

Defendants' Motions were heard on December 12, 2008.

D. On February 24, 2009 Defendants' Motions to Dismiss the FAC were granted with leave to amend and/or granted in part with leave to amend, such that Plaintiff was given 30 days to file a second amended complaint.

E. Plaintiff filed its Second Amended Complaint on March 26, 2009 ("SAC").

F. Defendants contend that they require more than the statutory 10-day period to respond to the SAC.

G. The parties agree that Defendants shall have 30 days to respond to the SAC such that Defendants' responses to the SAC shall be filed and served on or before April 27, 2009.

WHEREFORE, the Parties agree as follows:

1. Defendants shall have until April 27, 2009 to file and serve a response to the SAC.

2. Defendants shall coordinate so that to the extent more than one Defendant files a motion in response to the SAC, such motions shall be set for hearing on the same date.

3. The Stipulation may be executed in one or more counterparts.

DATED: April 6, 2009

O'MELVENY & MYERS

By: David R. Eberhart

David R. Eberhart

Sharon M. Bunzel

Colleen M. Kennedy

Attorneys for Plaintiff eBay, Inc.

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

By: 

Leo J. Presiado
Attorneys for Defendants
Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

7 DATED: April 3, 2009

FREELAND, COOPER & FOREMAN, LLP

By: 

Stewart H. Foreman
Daniel Bernhard
Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

13 DATED: April __, 2009

COAST LAW GROUP, LLP

By: _____

Seyamack Kouretchian
Ross Campbell
Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

19 DATED: April __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

By: _____

Patrick K. McClellan
Attorney for Kessler's Flying Circus

24 IT IS SO ORDERED.

26 DATED: 4/9/09


HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

2
3 By: [Signature]
4 Leo J. Presiado
5 Attorneys for Defendants
6 Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

7 DATED: April __, 2009

FREELAND, COOPER & FOREMAN, LLP

8
9 By: _____
10 Stewart H. Foreman
11 Daniel Bernhard
12 Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

13 DATED: April 5, 2009

COAST LAW GROUP, LLP

14
15 By: [Signature]
16 Sevanack Kouretchian
17 Ross Campbell
18 Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

19 DATED: April __, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

20
21 By: _____
22 Patrick K. McClellan
23 Attorney for Kessler's Flying Circus

24 IT IS SO ORDERED.

25
26 DATED:

HONORABLE JEREMY FOGEL
JUDGE OF THE UNITED STATES DISTRICT COURT

1 DATED: April 3, 2009

RUS, MILIBAND & SMITH
A Professional Corporation

2
3 By: Leo J. Presiado
4 Leo J. Presiado
5 Attorneys for Defendants
Thunderwood Holdings, Inc., Brian Dunning
and BrianDunning.com

6
7 DATED: April __, 2009

FREELAND, COOPER & FOREMAN, LLP

8
9 By: _____
10 Stewart H. Foreman
11 Daniel Bernhard
12 Attorneys for Defendants Todd Dunning
and Dunning Enterprises, Inc.

13 DATED: April __, 2009

COAST LAW GROUP, LLP

14
15 By: _____
16 Seyamack Kouretchian
17 Ross Campbell
18 Attorneys for Digital Point Solutions, Inc.
and Shawn Hogan

19 DATED: April 3, 2009

LAW OFFICES OF PATRICK K. MCCLELLAN

20
21 By: Patrick K. McClellan
22 Patrick K. McClellan
23 Attorney for Kessler's Flying Circus

24 IT IS SO ORDERED.

25
26 DATED:

27 HONORABLE JEREMY FOGEL
28 JUDGE OF THE UNITED STATES DISTRICT COURT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing:

STIPULATION TO EXTEND TIME FOR DEFENDANTS TO RESPOND TO SECOND AMENDED COMPLAINT; ORDER THEREON was filed with the Court's Electronic Filing System on April 6, 2009 and may be accessed electronically.

s/ Leo J. Presiado

Leo J. Presiado

Rus, Miliband & Smith, APC

2211 Michelson Drive, Seventh Floor

Irvine, California 92612

Tel: (949) 752-7100

Fax: (949) 252-1514

Email: lpresiado@rusmiliband.com

Attorneys for Defendants Thunderwood Holdings, Inc., Brian Dunning and Briandunning.com